

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
FRANKLIN COUNTY, OHIO**

**STATE EX. REL  
COLUMBUS CITY ATTORNEY  
ZACH KLEIN**  
375 South High Street, 17th Floor  
Columbus, Ohio 43215

Relator-Plaintiff,

v.

**CATHERINE TICHY**  
544 West Walnut Street  
Columbus, Ohio 43215

and

**ROD WARRIX**  
544 West Walnut Street  
Columbus, Ohio 43215

and

**JOHNNY WARRIX**  
7270 Watonga Court  
Colorado Springs, CO 80915

and

**WILLIAM YEAGER**  
6576 High Knolls Grove  
Colorado Springs, CO 80923

and

**CHRISTOPHER TICHY**  
7270 Watonga Court  
Colorado Springs, CO 80915

and

**UNKNOWN TENANTS/OCCUPANTS**  
544 West Walnut Street

Case No. 2023 EVH 60126

Judge Stephanie Mingo

Columbus, Ohio 43204  
and

**CHERYL BROOKS SULLIVAN**  
**FRANKLIN COUNTY TREASURER**  
373 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

and

**REAL PROPERTY AT**  
544 West Walnut Street  
Columbus, Ohio 43215

**Parcel No. 010-070150-00**

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### **PRELIMINARY INJUNCTION**

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This cause came before the Court upon the Complaint of Relator-Plaintiff State ex rel. Klein ("Plaintiff") filed on **March 3, 2023**. Assistant City Attorneys Zach Gwin appeared on behalf of Plaintiff. Respondent-Defendant Catherine Tichy appeared pro se and on behalf of the Real Property at 544 West Walnut Street. The Court finds that all other necessary Respondents-Defendants (collectively, "the Defendants"), have been properly served according to law and are properly before the Court.

For purposes of this Preliminary Injunction, the Court finds that relator has established that Respondents-Defendants are owners and/or persons in charge, care, or control of the Real Property at 544 West Walnut Street, Parcel No. 010-070150, situated in the City of Columbus, Franklin County, Ohio ("the Premises"). The court finds that Relator-Plaintiff has established the following by clear and convincing evidence:

1. The Premises is a single family home located on the west side of the City of Columbus in the Franklinton neighborhood.

2. On or about November 9, 2022 Property Maintenance Inspector Isaiah Wheeler (hereinafter "Wheeler"), of the Department of Development's Code Enforcement Division had reason to and inspected the premises located at 544 West Walnut Street, Columbus, Ohio 43215 and observed the violations of Columbus City Code §§ 3332.
3. As a result of the inspection, Wheeler issued Columbus City Code Violation Notices (hereinafter "Orders") 22470-07772 (*Exhibit B*) to Defendant detailing violations of the Columbus City Code Title 33.
4. The Order stated that the violations needed to be corrected within 20 days of service of the orders, unless an extension was granted.
5. The Order was not complied.
6. The Premises remains in violation of applicable provisions of Columbus City Code Title 33.
7. The Premises came to the attention of the Columbus Police Department ("CPD") in 2022.
8. On January 20, 2022, CPD received a complaint of domestic violence at the Premises.
9. On January 27, 2022, CPD received an unknown complaint at the Premises.
10. On February 6, 2022, CPD received a complaint of an assault at the Premises.
11. On February 19, 2022, CPD received a complaint of an accidental overdose at the Premises. The caller stated that her son took a pill and something was wrong. The caller also stated that he had been drinking.
12. On February 24, 2022, CPD received a complaint of domestic violence at the Premises.
13. On March 2, 2022, CPD received a complaint of domestic violence at the Premises.

14. On March 16, 2022, CPD received a complaint from Rod Warrix at the Premises who stated his mom is overdosing on meth and has a knife in hand. The caller identified their mother as Catherine Tichy and stated she had been using meth for weeks and was threatening to kill the caller and other guests. CPD also received a call from Respondent-Defendant, Catherine Tichy, stating that Respondent-Defendant, Rod Warrix, was getting violent and tearing up the house and throwing things at the caller. On the same date,
15. On April 9, 2022, Officers were dispatched to the Premises on report of a burglary in progress where the offender had already left the scene. The victim identified herself as Catherine Tichy and stated that Rod Warrix had kicked in the front door and made entry into the home. Ms. Tichy stated that Rod then kicked in the door of her bedroom and grabbed the phone from her hand when she stated she was going to call 911.
16. On April 12, 2022 CPD received a complaint of a fight at the Premises.
17. On April 24, 2022, CPD received a complaint of domestic violence at the Premises.
18. On April 25, 2022, CPD received an unknown complaint regarding the Premises which was referred to the Columbus Division of Fire ("CFD").
19. On May 2, 2022, CPD received a complaint of domestic violence at the Premises.
20. On May 14, 2022, CPD received a complaint of a person with a gun at the Premises.
21. On May 28, 2022, CPD received a complaint regarding an overdose at the Premises.
22. On May 30, 2022, CPD received a complaint of a male down and out in front of the Premises. The call was transferred to CFD.
23. On June 3, 2022, CPD received a complaint of property destruction at the Premises.
24. On June 6, 2022, CPD received two complaints regarding an overdose at the Premises.

25. On June 18, 2022, CPD received a complaint of a person with a gun at the Premises.
26. On June 23, 2022, CPD received a complaint of a fight at the Premises.
27. On June 26, 2022, CPD received a complaint of a disturbance at the Premises.
28. On July 11, 2022, CPD received three calls for an unknown complaint.
29. On July 26, 2022, CPD received a complaint of a disturbance at the Premises.
30. On August 25, 2022, CPD received a complaint regarding suspicious persons at the Premises. The caller, identified as Catherine Tichy, indicated individuals were loitering around and on the property.
31. On October 13, 2022, CPD received a narcotics complaint regarding the Premises.
32. On October 26, 2022, CPD received a narcotics complaint regarding the Premises. The caller stated that people keep coming and going from this location and that people are camping in the backyard.
33. On December 5, 2022 Detectives Chapman and Shuler proceeded to 544 West Walnut Street to make a controlled purchase of narcotics at the Premises. With the assistance of a confidential informant, detectives conducted a controlled purchase of methamphetamine from a male inside the residence.
34. On December 31, 2022, CPD received a request for a well-being check at the Premises.
35. On January 1, 2023, CPD received an unknown call for service at the Premises which was transferred to CFD.
36. On January 2, 2023, CPD received an unknown complaint at the Premises.
37. On January 8, 2022, CPD received complaints of a vicious dog and person with a gun at the Premises.

38. On February 15, 2023, CPD officers were dispatched to the Premises in response to a disturbance. Officers made contact at the Premises with three males in the rear of the property. One male was identified and found to have outstanding traffic warrants and was placed under arrest. Another individual was found in possession of drug paraphernalia and what was later identified as methamphetamines inside a pouch on his belt. The third individual was found to have fentanyl in a pants pocket.
39. On February 16, 2023, CPD Investigative Tactical ("INTAC") Detectives LaGore and Chapman proceeded to 544 West Walnut Street to make a controlled purchase of narcotics at the Premises. With the assistance of a confidential informant, detectives conducted a controlled purchase of methamphetamine. The informant knocked on a shed in the rear and provided \$20.00 in pre-recorded City funds to a male inside the shed. The male then entered the Premises at 544 West Walnut Street and after a few minutes returned and provided a baggie containing a small amount of methamphetamine.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

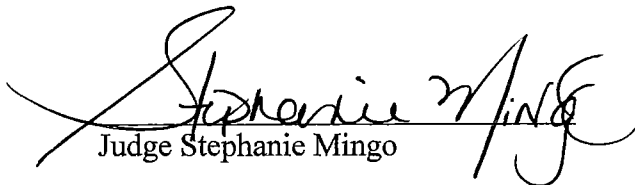
40. Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further **ORDER** of this Court that all occupants of the Premises be forcibly removed from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed

necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. Except as provided in the next paragraph, this preliminary injunction shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of 544 West Walnut Street.

41. It is further **ORDERED** that this preliminary injunction shall apply to the parcel in its entirety. No person may enter and/or occupy 544 West Walnut Street, Columbus, Ohio. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor. This Order includes the curtilage of the property unless Respondents-Defendants are actively removing exterior storage and solid waste from the property in a legal manner.
42. It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.
43. The Defendants are **ORDERED** to remove all exterior storage and solid waste on the exterior Premises by or before March 24, 2023.

44. For the purposes of abating any exterior storage and solid waste, the Court authorizes Plaintiff to enter upon the subject property and to abate the nuisance at the Defendants expense after March 25, 2023.
45. The Plaintiff is hereby authorized to certify all unpaid costs of abatement to the Franklin County Auditor for inclusion in Defendants' tax duplicate.
46. This case is continued for further Permanent Injunction Hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on 5/3/23 at 2:00 pm in courtroom 15B, located on the 15<sup>th</sup> floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.
47. This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement.

**SO ORDERED.**

  
Judge Stephanie Mingo

3/16/23.  
Date